



**VICTORIA UNIVERSITY**  
MELBOURNE AUSTRALIA

*Tapol bulletin no, 173/174, December 2003*

This is the Published version of the following publication

UNSPECIFIED (2003) Tapol bulletin no, 173/174, December 2003. Tapol bulletin (173). pp. 1-24. ISSN 1356-1154

The publisher's official version can be found at

Note that access to this version may require subscription.

Downloaded from VU Research Repository <https://vuir.vu.edu.au/25966/>



## The Indonesia Human Rights Campaign

TAPOL Bulletin No. 173/174

December 2003

# Extension of martial law continues misery in Aceh

*In May 2003 the Jakarta authorities declared martial law in Aceh. The military top promised to 'deal with the GAM separatists once and for all. A few months later it was clear that the massive military operation was failing or worse, was only preventing solution to the conflict. In November the cabinet in Jakarta agreed to extend martial law and the military top explicitly acknowledged that the large scale mopping up operations had failed to capture GAM leaders of any importance.*

In today's world it is difficult to find consensus on any matter of great importance but on the Aceh conflict everybody agrees that a peaceful solution is preferable to a military one. The 'international community', which includes Indonesia's major financial donors, agree that the on-going conflict should be resolved through dialogue which also means abandoning martial law in the most northerly part of Sumatra. Indonesia not only ignored this appeal but replied angrily saying it 'could be construed as meddling', according to Foreign Ministry Spokesperson Marty Natalegawa. Three parties: the United States, European Union and Japan issued a statement urging Jakarta to work towards a political solution and offered help in resolving the conflict. Natalegawa bluntly rejected the offer and replied: 'The humanitarian problem in Aceh cannot be resolved merely by foreign parties. The Indonesian government has enough resources and confidence to overcome the problem'. [AP, 7 November 2003].

Already in mid October, the sixth month of the military operation in Aceh, Co-ordinating Minister for Political and Security Affairs ret'd General Susilo Bambang Yudhoyono (SBY) gave a clear hint to the press that the Indonesian government intends to extend martial law in Aceh. SBY who is in charge of the endorsement of martial law argued that the final goal of the military offensive was to restore security among the Acehnese people. Indonesia is to hold general elections on 5 April 2004 and SBY doubts whether the Acehnese would feel safe to exercise their political rights if the security situation remains unsafe.

Another important issue that emerged from SBY's statement is the sensitivity of the general elections. He acknowledged that criticism has been made by NGOs and in parliament that elections held in Aceh under martial law are fundamentally flawed. Indonesian Military (TNI) Commander-in-Chief General Endriartono Sutarto has spoken of plans to maintain the 35,000 troops in Aceh "to make sure that all Acehnese people will be able to exercise their political rights" [Jakarta Post, 15 October 2003]. Indonesian election watchers argue otherwise and say that

flawed election results in Aceh will also affect the national elections negatively. They argue strongly to end martial law in Aceh.

## Rubber stamp

The continuation of martial law was decided by the core cabinet and other institutions like DPR, the parliament, simply had to accept it. When the initial martial law was announced in May 2003, it was enacted through Presidential Decree No. 28/2003 for six months with the promise that a proper evaluation would take place. Questions have been raised in parliament, requesting an evaluation but so far only skimpy information has been

### ACEH

Extension of martial law in Aceh	p 1
Hundreds of political trials	p 6
International pressure increases	p 8
Refugees deported from Malaysia	p 9
European Parliament acts on West Papua/Aceh	p22

### WEST PAPUA

West Papua asserts its Pacific status	p10
Military sets Papua agenda	p11
Declassified US documents	p15

### JUSTICE AND TRIALS

Will justice be done at the Priok trials	p18
Fresh violence rocks central Sulawesi	p20
Increasing number of political prisoners	p22

### ARMS SALES

US Congress opposes military ties	p23
-----------------------------------	-----

**DUE TO ILLNESS OF ONE OF OUR EDITORS, THIS ISSUE IS SEVERAL MONTHS LATE. OUR SINCERE APOLOGY !**

provided to DPR by TNI. Many columnists in the Indonesian press have cautioned against the extension of martial law and argue that so far martial law has only created much suffering for the population of Aceh.

### Similar mistakes as in East Timor

TNI Commander-in-Chief General Endriartono Sutarto has been quite honest about the failure to reach the objectives of the military operation. TNI promised to obliterate GAM in six months. On 4 November the four star general told the press in Jakarta that the TNI forces have not been able to capture GAM leaders and stated that the continuation of martial law was essential to chase and arrest the GAM leaders. [detik.com 4 Nov.2003]. He also said that the enactment of martial law was needed to ensure successful general elections in Aceh, a frank admission that the troops are not in control of the security situation.

Ironically, while TNI's first man admits the failure of the military operation, at the same time the cabinet concluded that martial law should be extended. It becomes increasingly clear who is in charge of the political agenda in Jakarta. On matters like the Aceh conflict it is the hard liners in the military who are calling the shots.

The main responsible person is army chief of staff General Ryamizard Ryacudu. This four-star general is notoriously rude and blunt in appearance and in the present vacuum of political power at the top seems to be able to impose his will all the time.

Nominally Commander in Chief Endriartono Sutarto is Ryacudu's superior but in the balance of power Ryacudu seems to have more support from the army rank and file. While Endriartono represents the wing in TNI that wants to modernise the armed forces (which often clashes with the illegal business activities of the military), Ryacudu represents the average officer who still remembers the elite position of the army in the Suharto days.

TNI's military strategy in Aceh pursues the same methods like the operations in East Timor in the eighties and nineties. In the first instance it was much more done on a massive scale pushing back the guerrillas to the mountains while driving the population into resettlement camps for isolation from the guerrilla force. In the second stage smaller units were despatched to hunt down the freedom fighters and gradually the population was recruited to become militia units or to attend in mass rallies to show their loyalty towards Jakarta. None of these strategies worked in East Timor and it is doubtful they will ever work in Aceh.

TNI in the late seventies possessed much better equipment. Arms sales from the west notably the US and UK gave TNI a positive balance against Falintil, the East Timorese armed wing. Nowadays TNA (Tentara Nasional Aceh, the armed wing of GAM), is often superior in their weaponry to the average TNI soldier.

Hostility towards TNI is very clear among Acehnese villagers. From reports in the Indonesian press defiance from average Acehnese villagers is still clearly noticeable. The Indonesian military continuously use the argument that 44 statements of Acehnese institutions have been made in favour of the extension of martial law but the East Timor experience has taught us that stage-managed loyalty expressions don't mean much.

### Opting for a military solution

Choosing for a military operation in Aceh has only

increased the problems for authorities in Jakarta. Treating the conflict as a military problem and trying to resolve it in a military way has brought the Megawati government to a catch-22 situation. Abruptly withdrawing the 40,000 troops



*Martial law in Aceh means heavy military presence in the villages*

will mean a catastrophic defeat for Jakarta while continuing the military operation will only mean getting involved in an indefinite protracted and unpopular war.

TNI went to Aceh with a clear objective to finish off the TNA. After six months operation and using 35,000 to 40,000 troops, it is possible to make a cautious assessment. TNI troops indeed focussed on GAM strongholds, particularly in East and North Aceh.

The nature of the operation was a typical counter-insurgency operation. Two major thrusts were noticeable. TNI command troops went deep into the countryside to chase the TNA guerrilla forces while territorial troops were given the task to 'occupy' villages in the GAM areas. After several months operation, practically every village in the black areas (areas 'infected' by GAM) at least half a platoon of soldiers is stationed permanently.

Official figures try to highlight an impressive performance by TNI. Almost 1,000 suspected members of GAM (more correctly TNA) have allegedly been killed in battle and more than 1,800 others have been arrested or surrendered. TNI also admits that 304 civilians lost their lives while 140 others have been injured. Analysts are not impressed by the figures. The TNA is usually estimated as around 5,000 strong, which means that TNA is far from decimated. The amount of weapons captured is also very low, which also means that the core of the TNA guerrillas have basically retreated to remote areas taking their equipment.

The TNI forces have driven back the TNA guerrillas back to remote areas and by stationing soldiers in each village, TNI has also succeeded in create a 'distance' between the guerrillas and the villagers. This can be explained as a military success for TNI. But if one probes further, this success is rather hollow.

TNA as the military wing of GAM is definitely not defeated. The ultimate credo of guerrilla warfare: 'retreat if the enemy attacks and attack if the enemy is weak or unprepared' is persistently practised by TNA. With the exception of a few relatively big skirmishes TNI was not able to have major confrontations with the TNA guerrillas. The few



conflicts occurred because the guerrillas had to defend and protect one of their senior leaders.

Experts on GAM have assessed that so far TNA has not lost any of their key leaders. William Nessen, the US journalist who managed to join the TNA forces in the jungle say: 'The military reports almost 1000 GAM dead, but on closer look it's obvious that it hasn't gotten the right people. Only a couple of the top 100 or so commanders have been killed and none of the middle-level company commanders..' [Aceh Province, Behind the Lines, SMH 15 Nov.2003]. Key TNA persons like Ishak Daud, Teuku Jamaica and Sofyan Daud can still be reached through their satellite phones and are still frequently interviewed by Indonesian journalists.

### New thrust of the military operation

Major General Bambang Darmono, the operational commander of the military operation in Aceh has become the fall guy and has been replaced by Brig. General George Toisutta, formerly chief of staff of the Jakarta Military Command. Major General Bambang Darmono had a highly vocal and high profile appearance and on a few occasions expressed his ambitions to become the next territorial commander of Aceh. His position can be compared with the position of army commanders in East Timor during the eighties and nineties.

The command structure in East Timor and likewise in Aceh was two pronged. The command structure was directly under the army HQ in Jakarta but at the same time the territorial structure remained in place. Clashes between Major General Endang Suwarya, the territorial commander and Bambang, the operational commander have been obvious. Analysts in Jakarta say that the decision to remove Bambang reflects the failure of TNI in Aceh. Army Chief of Staff General Ryacudu mentions: "He (Bambang) is tired after having served in Nanggore Aceh Darussalam for so long" [Jakarta Post, 10 November 2003]. The real truth lies elsewhere. Bambang admitted on several occasions that his

boys were hunting but rarely hitting the core of GAM's military strength, according to William Nessen who had several encounters with the general. The battle in East Timor also terminated the career of many bright officers. Bambang Darmono's military career is temporarily shelved and it is doubtful whether he will occupy another pivotal position within TNI.

Recent TNI reports mention a shift in the anti-guerrilla warfare. The new strategy relies on a combination of combat, intelligence and territorial operations. TNA has dispersed itself into smaller guerrilla units and will not get involved in direct combat. TNI is now retaliating and a new mobile strike unit has been established. This new unit can function as a small unit and can maintain a high degree of secrecy. This unit is meant to eliminate TNA and to cut off their logistics supply lines. This unit combines combat and intelligence operations.

Another unit, according to General Endriartono Sutarto, is a skeleton unit with the task of securing populated areas, sterilising the villages, securing lines of logistics going to people and the military as well as digging for information and breaking down the enemy communications network, a combination of territorial and intelligence activities.

The third unit is a combat unit, "focused on destroying targets considered strategic, an enemy logistics store for example", said the general. [source Media Indonesia, 12 Nov. 2003, from BBC Worldwide Monitoring].

Major General Bambang Darmono represents the combat officer who is not needed anymore in this new stage of counter-insurgency and has been sent back to army HQ. Brig. General Toisutta, also an old East Timor hand has to apply the new strategy of involving and mobilising the Acehnese against GAM. A similar strategy was used in East Timor with disastrous results for the daily life of the villagers. Toisutta is seen as somebody with better social skills and is regarded as being able to apply 'the hearts and minds' strategy more effectively than his predecessor. In the mid nineties Toisutta was the second in command in the regional military district of East Timor, the period that counter-insurgency methods were much more used in the cities in comparison with direct combat in the jungle.

The recruitment of Acehnese civilians into militia groups has been enhanced strongly in particular in the so-called 'black areas' like Bireuen, one of the GAM strongholds. The emergence of new groups like Berantas (People's Anti-Separatist Front) and HBMB with close ties with the military reflect a similar situation in East Timor of the mid-nineties. It is the military intelligence recipe to create a condition of civil war in the region.

### The shaky foundation for peace

The peace negotiations in Aceh occurred during the presidency of Abdurrahman 'Gus Dur' Wahid, the first properly elected president in Indonesia. Gus Dur was a man of high principles and prior to his presidency he went as far as stating that holding a referendum for the political future of Aceh was a feasible option. But it became quickly clear that after his appointment in office, Gus Dur didn't want to go down in history as the one that caused the break-up of Indonesia by letting Aceh becoming independent.

But he stuck to his non-violent ideals and the peace process under HDC (Centre for Humanitarian Dialogue) became a reality in the 21 months Gus Dur was head of state. With all his good intentions to resolve the Aceh conflict through dialogue, the political conditions in



Military invasion of Aceh, May 2003

Indonesia were far from ready. The military were still bearing a huge hang-up over the loss of East Timor while in Aceh, itself a huge popular movement was emerging. Prior to and after the downfall of Suharto in 1998 and 1999 hundreds of thousands of Acehnese rallied around the issue of a referendum for Aceh, justice and the ending of impunity.



*Military roadblocks everywhere*

While TNI was reaching its lowest point of unpopularity in the history of Indonesia, in several places, including in Aceh, the pro-democracy movement was demanding the arrest and trial of highly placed officers responsible for a series of massacres and other abuses in the past 30 years. In this climate of an Indonesian 'Prague Spring' it seemed that reformasi was really making giant steps ahead. As it turned out in reality the giant steps became dwarf steps. The Gus Dur's 21-month interregnum will go down in history as an ineffective and rather useless period with regard to democratic reform. The military and large sections of the bureaucracy resisted any meaningful change, sabotaging and obstructing the presidency to such an extent as to make Gus Dur incapable of governing. The people in Aceh hardly enjoyed the Indonesian 'Prague Spring'. TNI and the intelligence services have always seen Aceh as a top security threat.

## The 'comeback' of TNI

It took some time before TNI got its act together and managed to find a new foundation for its prominent role in society. The rather conservative political climate in Indonesia was actually quite conducive for a swift return of TNI to the centre of politics. It simply needed a new format and new justification.

After the fall of Suharto a group of reform-minded officers emerged with advanced plans to make structural changes within TNI. The bottom line was to modernise the armed forces and to give it a clear back seat role in the democratic paradigm of civilian supremacy. Alas, this liberal wing was too small and too insignificant to create proper change within TNI. None of the liberal officers are

now in pivotal posts, most have been replaced or made redundant. Together with the impeachment of Gus Dur in July 2001, the TNI made a spectacular come-back, establishing for itself a new place in Indonesian politics.

The new doctrine that has become the justification for the military to exert and impose their political will is called NKRI (Negara Kesatuan Republik Indonesia, Unitary State of the Republic of Indonesia). The coalition between Megawati and the military is based on this doctrine. For the sake of 'threats against the unity of the state', the military are allowed to take all necessary measures, including martial law and a massive military operation in Aceh.

A comparison can be made with the collapse of the Soviet Union and the collapse of the Suharto regime. In both cases, during the post dictatorship period, regional, ethnic and religious conflicts flared up. In the Soviet Union, the military played a minor political role and the country fell apart in different independent republics. This didn't occur in Indonesia and one of the major reasons is the pivotal role the military played. It is a public secret that hard-liners within the army used ethnic and religious conflicts to their political benefit. Those conflicts justified the on-going role of the military in society. Extreme elements on both sides of the conflict were fostered by the hardliners to the extent that atrocities were allowed to happen or were stage-managed using militia units as proxies.

## Aceh as a test case

The conditions in Aceh were starkly different. TNI was never able to stage-manage events as it did in other places. The only answer to the upsurge of insurrection in Aceh was to launch brutal military operations. The vicious military operation from the Suharto period (1989-1998) was one example but it backfired massively.

The Acehnese at large suffered greatly and animosity towards Jakarta grew enormously. GAM's popularity soared. It was in this period of TNI's weakest period that Acehnese civil society was able to organise mass demonstrations peacefully in 1998 and 1999.

But at the same time TNI remained vigilant in Aceh and even in this shaky period units were despatched and involved themselves in a new series of smaller scale military operations. [see also A reign of Terror, Human Rights Violations in Aceh, 1998-2000, *TAPOL Publication*, March 2000]. In the relatively liberal period of the post-Suharto era (1999 till 2002) TNI launched seven military operations: Operasi Wibawa, Operasi Sadar Rencong I, II, and III and Operasi Cinta Meunasah I, II and III.

Gus Dur was forced to accept pressure from TNI and signed the Presidential Instruction, Inpres 4 and 7 in 2001, continued by President Megawati who signed Inpres no. 1/2002. It gave the military and intelligence leeway to conduct military and counter-insurgency operations.

A new territorial command was established in Aceh, Kodam Iskandar Muda - it was clear that the military wouldn't accept any compromise in Aceh. Some of the worse human rights violations occurred in this period: the Simpang KKA killings in May 1999, the Bantaqiah killings in July 1999 and the SIRA-Rakan shootings in late 2000.

While TNI was continuing its mopping up operations in Aceh, an agreement was signed in Geneva on 9 December 2002 between the Indonesian government and GAM. For a moment a fresh wind blew over Aceh and the war-weary Acehnese eagerly hoped that the cessation of hostilities followed by a peace process was really happening. It all ended when Megawati signed the Presidential Decree to



enact martial law in Aceh on 19 May of this year. In the six months of cessation of hostilities (COHA agreement) there were already clear signs of TNI sabotaging the agreement. Militia attacks on the official monitors of the agreement were the first signs of acts of sabotage. Jakarta's position in the negotiation process hardened and GAM had to give up their independence aspirations once and for all and hand over their arms. The talks in Tokyo to extend the COHA collapsed on 18 May and massive military operations started immediately.

### A costly war

As always, the social and economic costs of the war are tremendous. The Jakarta-appointed Governor of Aceh Abdullah Puteh complains about the alarming rates of unemployment and poverty. The military has taken over the powers of the civilian sub district heads, creating a virtual military rule in Aceh. The extension of martial law will only mean further wreckage of society's structure in Aceh.

Around 1800 persons have been arrested and the police have concluded 844 official reports of investigations. Trials in 375 cases have been completed and sentences have been handed down to various suspects on a variety of charges of providing food to GAM members to serving as GAM negotiators. In most cases trials went ahead without transparency and without any possibility of a defence counsel for the defendants.

Security Minister SBY admits that the war is draining the Indonesian economy. The official figures of the cost of the war are relatively low (US\$141,2 million and a similar amount for the next six months) but simple calculations by human rights activists on the daily costs of 45,000 troops reach much higher figures. Money from other sources need to be added to this amount, including from the own TNI budget, POLRI budget and from the Aceh provincial administration.

### Dialogue is the only way to proceed

The present condition in Aceh actually fulfils all the criteria the military need to justify their acts. GAM is a strong movement with massive support of the population. POLRI, the Indonesian Police, the force responsible for keeping law and order is far from able to keep the place secure. TNI argues that in places like Aceh and West Papua it is TNI who calls the shots. The civilian administration is in a woeful state, corrupt and ineffective. In the brief period of cease-fire during COHA it became clear that GAM's control over the districts in Aceh was much more substantial than Jakarta's. The simple conclusion drawn by TNI was for a military operation and establishing military rule over Aceh through martial law.

After six months of protracted war, TNI has reached a point of no return, the incapacity of the military to make peace with the Acehnese, the same dead end TNI pursued in dealing with East Timor.

The objectives of the massive operation in Aceh, as defined by the Jakarta authorities were twofold: the military operation was to be a decisive operation to finish off GAM once and for all while the overall objective was to establish a peaceful and secure Aceh. Neither of these objectives have been achieved. The pretension that TNI is able to quell the insurrection in Aceh has turned out to be an illusion. TNI is not only not winning the war but Jakarta is losing the peace in Aceh. An exit strategy is urgently needed in resolving the conflict in Aceh.

Renewed talks are the only way out. The COHA agreement actually paved the way for including elements of Acehnese civil society in the talks. The talks between the two warring parties GAM and RI (Republic of Indonesia) turned out to be limited and lacking room to manoeuvre. The inclusion of active persons in the Acehnese community in the future talks will give new impetus and a positive input for a prolonged and sustainable peace in Aceh. \*



# Hundreds of political trials in Aceh

*The trial of members of the negotiators' team has put paid to hopes for the resumption of dialogue and the non-military approach in solving the problem of Aceh. And the trial of student and women activists in Aceh is proof that everybody can be targeted in Aceh at the moment. Most of the activists have been given heavy sentences, having been charged with terror, treason or conspiracy against the state.*

## The trial of GAM's negotiation team

Five former members of the negotiation team, who were involved in peace talks on the GAM side, have been given long sentences in trials in Aceh recently. On 21 October, three negotiators of GAM were sentenced to prison terms of between 11 years and 15 years. The chief of the negotiation team, Sofyan Ibrahim Tiba was sentenced to 15 years. Amni Ahmad Marzuki and Muhammad Usman Lampo Awe were given 13 years and 12 years respectively. Two other members of the team Nashiruddin bin Ahmed and Teuku Kamaruzzaman, were sentenced by the court to 13 years each on 22 October.

All of them were arrested on 18 May this year on their way to the airport to join the peace talks in Tokyo. The police in Aceh freed them as the Tokyo talks began. However they were rearrested when the negotiations broke down soon after the Indonesian government declared the military emergency status for Aceh on 19 May 2003.

Long sentences had been expected as the prosecutor had called for heavy sentences. In the case of Teuku



*Nashiruddin Ahmed and Sofyan Ibrahim Tiba sentenced 13 and 15 years*

Kamaruzzaman, one of a GAM negotiators, the prosecutor requested 16 years in jail on 27 September. He was accused of terrorism and treason. At a separate trial, the prosecutor recommended a 16-year term for Tengku Muhammad Usman and 15 years for Amni bin Ahmad Marzuki for the same charges. The heaviest sentence was sought for the former GAM negotiator, Sofyan Ibrahim Tiba. The prosecutor asked the court to sentence him to 18 years. Together with Sofyan is Nashiruddin Ahmed. He was also recommended for 16 years (*Reuters*, Sept 23).

Sofyan denied that he was a member of GAM, saying that he was only a member of negotiation team who agreed to represent GAM during the talks. He said he only agreed to be on the negotiation team to help the peace process. He argued there was nothing wrong with his involvement in the peace process. If he could be tried, members of the team representing Indonesian side should also be tried for involvement. Most of those on trial believe that the government has trumped up the charges against them (*AFP*, 10 October 2003).

All the defendants rejected the charges of terrorism, conspiracy and treason. All of them are being charged under the Anti Terrorism Law 15 of 2003. This new legislation was enacted after the Bali bombing to be applied mainly for terrorist acts not for people involved in separatist movements. They were also charged under article 106 of the Criminal Code for rebellion against to the state.

The lawyer Adnan Buyung Nasution argued that his clients could not be tried for their involvement in the peace process. Buyung complained that the judges failed to consider the efforts of the accused to reduce the scale of violence in Aceh in the period of the peace agreement. According to Buyung, they were only trying to solve the conflict in Aceh by peaceful means. The decision to charge them under the anti terrorism law was also unfounded. The court has not been able to prove their involvement in any terrorism acts, he said.

Indonesia legal aid foundation of Aceh (LBH Aceh) argued that the court proceedings against GAM negotiators have destroyed the bridge to peace. According to Afridal Darmi, LBH Aceh director, the most worrying impact of the arrest and prosecution of the negotiators was the vanishing opportunity for peace negotiations in the future. Darmi further argued that the trials have destroyed peace building effort to solving the problem of Aceh.

The arrest and trial of the GAM negotiators has provoked controversy. The negotiators had been given warranties for their safety. According to the Cessation of Hostility Agreement (COHA), their involvement could not be used to charge them. In fact the Regional Police Director for Investigation and Crime had issued SP 3 (Instruction to Stop Investigation) on 2 May 2003, because there was not enough evidence against them. Usually an SP3 letter will stop the investigation process because it affirms the absence of the proof and usually defendants are released and the case closed. But this is not the case for former GAM's negotiators.

The peace talks between GAM and the Indonesian government were started during the Wahid government which took an initiative to solve the Aceh problem peacefully. The talks had been facilitated by the Henry Dunant Center (HDC), or the Center for Humanitarian Dialogue. The peace process in Aceh had been underway since June 2000. Under an agreement in July 2001, assurances of safety to the members of the negotiator teams were given. However, in August 2001, those represent GAM were arrested. They were only released after a significant pressure from the international community.

With regard to the latest arrests and trials, HDC said it hoped they have nothing to do with their position as members of the negotiator team. Meanwhile the GAM leadership demanded the release of the negotiators' team as a precondition for further negotiations.

## Student Activist jailed for demo

In another court in Banda Aceh, a student activist from IAIN University, Reza Pahlevi, was sentenced to three years for organizing a rally in Banda Aceh. He was accused of airing and displaying hatred and insult towards the Indonesian government and of illegally organizing an event in Banda Aceh to protest the arrival of peace monitors from the Philippines on 23 December last year.

During the demonstration Pahlevi and others carried banners with the slogans 'A Peaceful Indonesia means freedom for Aceh' and 'Aceh is a killing fields'. The trial of Pahlevi was intended to discourage other groups in Aceh from organizing similar demonstrations. Since martial law was declared, many student activists have fled Aceh and the police have targeted some students group.

As coordinator of the demonstration, Pahlevi was arrested together with other students involved in the action. However, all of them were released immediately and no



*Anti martial law demonstration in Jakarta by Acehnese community.*

charges were brought. Pahlevi was re arrested on 24 May after the police broke into the student office in IAIN Ar-Raniry University Banda Aceh.

Reza Pahlevi is also a member of the Presidium Council of Aktivista Anti Militarism (Himpunan Mahasiswa Anti Militarism or HANTAM). HANTAM is concerned with the impact of militarism in Aceh. In his defense plea, he questioned the fact that no trials are being held for the killing of thousands of people in Aceh. At the same time the court was trying him and many other activists, nothing was being done regarding the many civilians killed in numerous villages in Aceh.

## Woman activist sentenced

Another controversial case is the trial of a woman activist, Cut Nur Asyikin who has been advocating a referendum as the way of solving the problem of Aceh. Cut Nur Asyikin is the head of a women's group called Srikandi Aceh concerned with women's empowerment. She has been involved in many activities to support the campaign for a referendum in Aceh.

On 21 October 2003, Nur Asyikin was sentenced to 11 years in prison. The judge found her guilty of treason. The sentence is 3 years less than the demand of the prosecutor

who asked for 14 years. Her speech in 1999 during the mass rally for a referendum demanded a referendum and challenged the legitimacy of the Indonesian government in Aceh was used to charge her.

Despite the fact that she is not a member of GAM, her involvement as a member of the Joint Committee for Humanitarian Action (KBAK) during the peace agreement between GAM and Indonesian government was used to give her a heavy sentence and to connect her with GAM.

## Military justice

The amount of arrested people is growing by the day and according to military people, more than 1500 people are detained. The PDMD, the local martial law administration have implemented a speedy way of putting the huge amount of people on trial. The Police in a record speed has concluded 844 reports of investigation and till mid November a record of 375 cases have been completed and

a variety of sentences have been handed down to various suspects. The defendants vary from those accused of giving food or other logistic aid to GAM to those serving as negotiators. This new military type of law enforcement has been applied to acehnese civilians or non-combatants and lay persons, mostly family members of GAM personell.

## TAPOL PUBLICATION

Still available £1.00 pp

## A REIGN OF TERROR

### HUMAN RIGHTS VIOLATIONS

IN

ACEH

1998 - 2000

*tapol*  
The Aceh Human Rights Monitoring Project



## International pressure increases for end to martial law

*Indonesia is coming under intense pressure from the international community to end its military offensive in Aceh and to solve the conflict by political means. Recent statements by the European Union, the Japanese and US governments, the European Parliament, and the US Congress have expressed concern about the recent extension of martial law and the humanitarian crisis in the province.*

### Joint statement by the EU, Japan and the US

In a joint statement issued on 6 November, the EU, Japan and the US - which co-chaired the Tokyo preparatory conference on peace and reconstruction in Aceh in December 2002 - reminded President Megawati of her commitment before Parliament in August to end the state of military emergency as soon as possible. They called for the minimization of human suffering, an improvement in transparency, and for access by international agencies and NGOs in an approach 'which includes humanitarian aid, restoration of civil institutions and upholding the law'.

### European Parliament resolution

This was followed by a European Parliament resolution on 20 November, which expressed deep concern at the extension of military operations, the ongoing violence including kidnappings and killings, particularly outside the major towns. It called on the Indonesian Government to stop the military offensive, to withdraw its troops, to resume talks with GAM, and to fully involve civil society - especially Acehnese women - in the dialogue and peace process. It further urged the Government to provide immediate and unimpeded access for all humanitarian agencies, independent human rights observers, diplomatic representatives, and journalists and UN agencies and NGOs that can assist in the protection of civilians, particularly displaced persons.

It called for the Government to 'bring to account those responsible for violations of human rights in Aceh, as well as other parts of the country', for UN human rights monitors to be allowed to visit, and for the Red Cross to have comprehensive access to prisoners in police in police and military detention.

Addressing the humanitarian crisis, the European Parliament called for the Indonesian Government to allow aid to be delivered directly to those in need, to prevent attacks on humanitarian agencies and their workers and for the authorities to work in collaboration with other actors to provide better capacity to deal with humanitarian needs and to care for internally displaced persons.

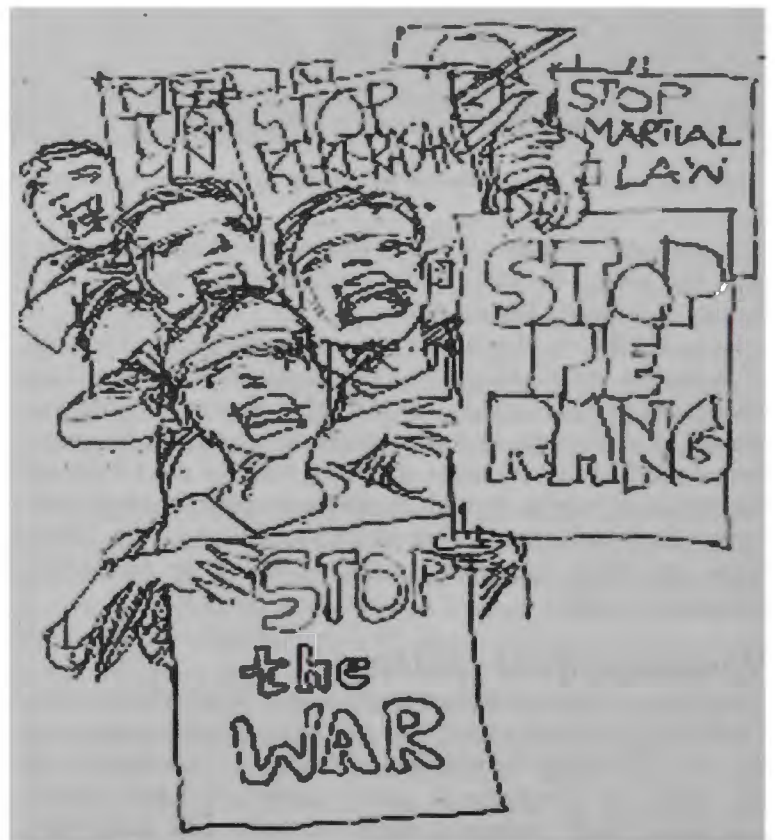
### US Congress resolution

In the US Congress, signatures are being sought for a resolution submitted by Congressman Joseph Crowley calling for the Indonesian Government and GAM to 'immediately declare a ceasefire and halt hostilities in...Aceh, end all human rights violations, and return to negotiations with significant Acehnese civil society and international involvement'. Noting that President Bush and senior US officials have stated that the conflict in Aceh is not amenable to a military solution, it calls for the Government and armed

forces of Indonesia to immediately end martial law and withdraw all non-organic troops, intelligence forces, and special forces such as Kopassus and Brimob.

Dealing with the forcible return of Acehnese asylum seekers from Malaysia in contravention of international refugee law [see separate item: 'Acehnese refugees deported by Malaysia'], the resolution calls on the Malaysian Government to refrain from such behaviour, to allow the asylum seekers full access to UNHCR representatives, and to release those currently in detention. It also presses the Indonesian Government to prosecute and bring to justice those responsible for human rights crimes in particular the killing of the Acehnese human rights lawyer and US permanent resident, Jafar Siddiq Hamzah in August 2000.

Finally the resolution urges the US Government to review its military assistance to Indonesia and for the Indonesian Government to refrain from using US-supplied weaponry in Aceh. \*



# Acehnese refugees deported by Malaysia

*Despite pressure from many human rights groups concerned for their safety, hundreds of Acehnese refugees are being deported by the Malaysian government to war-torn Aceh. Thousands of Acehnese have fled their homeland since the Indonesian government declared martial law in May this year and many have gone to Malaysia. The Malaysian government's rejection of the refugees is part of the political denial by many ASEAN countries of the problem in Aceh.*

In August, September and October, several mass arrests of Acehnese took place. On 19 August, 400 asylum seekers were arrested by the Malaysian police outside the office of the United Nations High Commission for Refugees (UNHCR) in Kuala Lumpur. The police mounted road blocks on all roads to the UNHCR compound, checking documents of asylum seekers as they approached the office. All of them were going to the UNHCR office to apply for registration and temporary protection (TP) letters. During this operation 232 Acehnese including 17 women and 4 children were sent to Langkap immigration detention camp in Perak, while several individuals were released by the police after showing their UNHCR documents. A police presence was maintained outside the compound for several weeks, forcing the agency to close down for several days.

The second wave of arrests occurred on 2 September when about 40 asylum seekers were arrested outside the UNHCR office. Police had again stationed themselves outside the compound, saying they would arrest any illegal immigrant whom UNHCR staff were forced to turn away. Many were deterred from making their way to the UNHCR for fear of arrest. A UNHCR team was eventually able to gain access to the Langkap detention camp and register asylum seekers there.

## Crackdown

The biggest crackdown was on 16 September when police raided an Acehnese settlement in Limau Manis, Putrajaya. An estimated 2,000 Acehnese were in the settlement. Up to six police trucks were used to arrest 400 Acehnese, who were sent to immigration detention centers. Four Acehnese were reported drowned in a nearby river, and many more have been missing since the operation. The possessions of many of the detainees were confiscated.

According to Edi, one of the detainees, during his time in the camp, up to 50 new Acehnese arrived at the camp every day. He saw the police beat detainees and confiscate their possessions.

On 2 October, 20 buses of detained immigrants, including 402 Acehnese arrested in the Limau Manis raid, were taken to Port Klang and loaded onto the Indonesian ship KM Taruna Sakti, which departed that day for Belawan, North Sumatra. The ship did not arrive at its intended destination, and the whereabouts of the deportees remain unknown.

Then on 17 October, 33 Acehnese were arrested during a police raid on homes and work places in Kampung Sungai Nibong Kecil, Bukit Jambul, Penang.

The amount of Acehnese living in Malaysia is indefinite but an estimate of 20,000 live in Malaysia without legal status. Many of those arrested over the past few months are asylum-seekers who have arrived in the country since the

declaration of martial law in Aceh on 19 May 2003. The refugees are becoming a vital source of information about the many abuses and killing of villagers under martial law. Many of those who have just arrived are able to reveal the real situation on the ground.

The UNHCR in Kuala Lumpur started issuing TP letters for Acehnese in July 2003, verifying them as "persons of concern" under the UNHCR's mandate and recommending that they not be arrested, detained, or deported for a period of 6 months, corresponding to the initial period of martial law in Aceh. While Malaysia is not a party to the 1951 Refugee Convention, UNHCR holds that Acehnese seeking protection in Malaysia are civilians fleeing armed conflict between the Indonesian military and GAM. Malaysia is therefore bound by the internationally-acknowledged principle of non-refoulement, which prohibits the forcible return of a person to a place where he or she faces persecution.

The Malaysian government claims that the Acehnese are not asylum-seekers but rather illegal immigrants seeking employment in the country. Foreign Minister Syed Hamid Albar rejected criticism from the UNHCR and international groups, stating: "It is not right for UNHCR to register the Acehnese as possible refugees when they are not refugees." However, in November the authorities did postpone indefinitely the decision to deport a group of eight asylum-seekers held at the Langkap camp.

The Indonesian government has called for the return of the Acehnese, stating that there are no grounds for them to seek asylum since the situation in Aceh is under control - a claim contested by its own national human rights commission, Komnas HAM.

The UNHCR maintains that asylum-seekers are not illegal immigrants under international law, and has urged the Malaysian government to release the detainees and grant them temporary protection.

Temporary Protection would mean allowing the asylum seekers and refugees to be registered with the UNHCR and to remain in Malaysia until such time as the situation in Aceh allowed for their safe return. \*





# West Papua asserts its Pacific status

*The call for Melanesian West Papua to resume its rightful role in Pacific regional affairs was the key demand made to delegates attending the 34th meeting of the Pacific Islands Forum in Auckland from 14-16 August. Around 50 West Papuans and solidarity activists met in Auckland to lobby the Forum and attend the Fourth annual International Solidarity Meeting on West Papua.*

A primary objective of the Forum lobby is for West Papua to be granted Forum observer status as a prelude to eventual full membership. Although that may take a while, there is now a heightened awareness of West Papua in New Zealand/Aoteroa and the Pacific.

An important dialogue has been established with Forum leaders and delegates and while the overall wording of the final Forum communiqué (see box below) was a disappointment, private support for the West Papua cause was expressed by many off the record. A parallel Civil Society Forum, broadly representative of Pacific NGOs, formally endorsed a number of West Papuan demands, including the request for observer status.

## Concern about continuing violence

As they did in last year's communiqué, Forum leaders expressed concern about continuing violence in West Papua, but this time went further in urging the Indonesian authorities to bring to justice the perpetrators of serious crimes committed in West Papua.

## THIRTY-FOURTH PACIFIC ISLANDS FORUM FORUM COMMUNIQUÉ

### PAPUA

74. Forum Leaders reiterated their support for special autonomy for Papua which they considered to offer realistic prospects for peaceful resolution of the situation in Papua. Noting that the 2001 special autonomy law had yet to be fully implemented, they urged the sovereign authority, Indonesia, to expedite promulgation of the necessary regulations and to take other steps needed to give effect to special autonomy.

75. Leaders expressed concern about the continuing violence in Papua and called on all parties to protect and uphold the human rights of all residents in Papua and to resolve differences by peaceful means. They also urged the Indonesian authorities to bring to justice the perpetrators of serious crimes committed in the province of Papua.

Under pressure from Australia and Indonesia - a Forum 'dialogue partner' - Forum leaders reiterated their support for special autonomy despite the fact that it has been undermined by Indonesia's disastrous attempt to divide West Papua into three provinces [see separate article].



*Participants from the Auckland Solidarity meeting*

Speaking for his fellow leaders, Dr John Ondawame, spokesperson for the Free Papua Movement (OPM) and member of the Papua Presidium Council, urged Forum leaders to "call on Indonesia to enter into a process of peaceful dialogue to consider all options for the future of the territory".

In a significant move, Dr Ondawame who is based at the West Papuan People's Representative Office in Port Vila, Vanuatu, was included in the Vanuatu Government delegation to the Forum.

The Pacific Islands Forum is a key strategic target for West Papuan lobbying. Its membership of 16 countries includes West Papua's Melanesian neighbours in Papua New Guinea, the Solomon Islands, Vanuatu, and Fiji as well as the regional powers Australia and New Zealand and island micro states such as Nauru, Niue and Tuvalu. Support for West Papua's right to self-determination has previously been expressed by Vanuatu, Nauru and Tuvalu in other international fora including the United Nations.

Whilst still under Dutch rule, West Papuan leaders attended the very first meeting of another Pacific institution, the South Pacific Commission, when it was founded in 1950. West Papua was also a founder member of the Pacific Council of Churches.

## Forum urged to remember forgotten Pacific country

Much of the ground work for the Forum lobbying was undertaken at the southern component of the fourth annual meeting of the International Solidarity Meeting on West Papua (ISMWP) held in Auckland from 8 to 10 August. The meeting - the first to be held in the Asia-Pacific region continued on page 15



# Military sets Papua agenda

*While much attention is focused on the TNI's brutal war in Aceh, the military is also using its fight against separatism in West Papua as a means of resuming its dominant role in Indonesian political and security affairs. Recent violent incidents and the threat of a military crackdown suggest that the TNI has indeed regained the upper hand and is involved in a systematic attempt to destabilise the territory and eradicate support for independence.*

## Three-way divide and rule tactics

A presidential instruction (Inpres) issued in January 2003 to split Papua into three provinces provoked a storm of protest and widespread incomprehension about the intentions of the central government when it was announced. It directly contradicted a special autonomy law passed in October 2001 and angered both opponents and supporters of special autonomy. Many Papuans regarded the split as a move to undermine their support for self-determination and their calls for dialogue on the future status of West Papua. An editorial in the Jakarta Post newspaper noted that virtually all Papuans bitterly opposed the split and 'considered it to be part of a central government divide-and-rule plot to allow the Jakarta elite to keep on plundering the rich natural resources of the province' (1).

A further sinister explanation for the Inpres, suggested at the time, was that it would enable the TNI to increase the number of its troops and consolidate its economic and political power in West Papua (2).

The conflicts caused by the Inpres and other recent developments have all the hallmarks of Indonesian military intelligence operations aimed at de-stabilising West Papua. In March 2002, Lieutenant AM Hendropriyono, head of Indonesia's central intelligence agency, BIN, and retired General Susilo Bambang Yudhoyono, Coordinating Minister for Social and Political Affairs, arranged for 240 Papuans to travel to Jakarta and call for the division of Papua in a meeting with President Megawati and high-ranking officials. In an October 2002 article, the Far Eastern Economic Review Jakarta Bureau Chief, John McBeth, quoted an unnamed senior military source as saying that one of the primary reasons for the proposed division was to cement control by the TNI over the richest of the three provinces (3).

According to the International Crisis Group (ICG) think tank, Hendropriyono was later warned that 'leaving Papua as a single province would nurture Papuan nationalism, and the threat of separatism and national disintegration could be effectively confronted only by dividing it'. Statements by various officials 'suggested that they were deeply concerned over the gains that pro-independence groups seemed to be making abroad in terms of gaining international support for a re-examination of the 1969 Act of Free Choice' (4).

When the Government attempted to implement the three-way split by declaring a new province of Central Irian Jaya in Timika on 23 August, bloody clashes resulted in five people being killed and up to 50 injured. The Government was forced to postpone the split, but refused to cancel it.

Predictably, instead of seeking to resolve the crisis by peaceful means and entering into meaningful dialogue with West Papuan representatives, the Government sent an additional 2,000 troops - four new battalions - to the territory.

The human rights group ELSHAM immediately warned that destabilising violence would result from the military deployment (5). The troop build-up appears to be continuing.

Senior TNI officials have reportedly stated that Papua would be the target of a massive campaign after [the] war in Aceh (6).

## OPM leader and nine others killed

The fact that the TNI is intent on aggression, rather than peace, was made brutally clear by the killing by Kopassus special forces of Yustinus Murib, a regional commander of the Free Papua Movement (OPM), and nine other men, at Yalengga subdistrict near the highlands capital of Wamena on 5 November. Reports indicate that some of those killed were civilians.



*TNI soldiers gloat over body of Justinus Murib*

Murib was an active supporter of the 'Zone of Peace' initiative (see below). He was killed on the same day that a letter signed by him addressed to the UN and the governments of Indonesia and Australia, calling for a peaceful dialogue with Jakarta, was dramatically read out on Australian SBS television's dateline programme.

Photos which appeared in the Indonesian press showed soldiers treating one of the victims 'like an animal they had



hunted and killed'. An outraged Jakarta Post said that 'even in the most brutal of wars such behaviour is intolerable'. It added: 'If a person can still say there is nothing wrong with four soldiers treating a corpse in this manner, then we may conclude that there is something wrong with that person's mind' (7).

## Destabilisation strategy

The current strategy to create conflict and instability and eradicate support for independence can be traced back to the killing of independence leader, Theys Eluay, by Kopassus special forces officers on 10 November 2001. The assassination closely followed the rejection by Theys Eluay and fellow members of the Papua Presidium leadership council of the special autonomy law passed in October 2001. The law - which is now being flouted by the central government - was introduced in an apparent attempt to reduce support for independence.

Seven Kopassus soldiers were convicted by a military tribunal of ill-treatment which resulted in Theys Eluay's death. They were sentenced to between three and three-and-a-half years imprisonment. Significantly, the authorities failed to uncover the background to the crime and to identify the chain of command involved. However, Kopassus soldiers said at their trials that Theys was murdered to prevent him declaring independence and thwarting the implementation of special autonomy (8). Army chief of staff, General Ryamizard Ryacudu described the perpetrators as 'heroes' who had carried out a legitimate act in defence of the unitary state of Indonesia.

There is also strong evidence, according to the Indonesian police and human rights organisations that Kopassus or other army units were involved in the killing of one Indonesian and two American employees of the Freeport copper-and-gold mine in Timika in August 2002 (9). Reports suggested that the attack on a convoy of buses carrying teachers and children from Freeport's international school was discussed in advance at the highest level of the army. Despite an ongoing investigation by the FBI, the army has so far succeeded in covering up the truth of what happened and who was responsible. The US Congress has opposed the normalisation of US military relations with Indonesia because of Indonesia's failure to co-operate fully with the FBI investigation [*see separate item*].

The then military commander of West Papua, Major-General Mahidin Simbolon, himself a Kopassus officer and a veteran of counter-insurgency operations in East Timor, was quick to blame the OPM, but many suspected the attack was perpetrated by the military as a means of warning Freeport not to deprive the army of its lucrative security role at the mine.

The Freeport mine - part owned by the UK company Rio Tinto - is highly controversial because of the history of human rights violations linked to the mine, the millions of dollars paid to the military for security, the company's denial of indigenous land rights and the severe environmental degradation caused by the mining operations. On 9 October, a massive landslide, thought to be caused by unsafe production levels, killed eight workers and injured five others. The Indonesian environmental NGO, Walhi (Friends of the Earth Indonesia) called for an in-depth investigation into 'the real crimes and thousands of victims at the Freeport-Rio Tinto mine' and for the Contract of Work between Freeport and the Indonesian Government to be re-negotiated (10).



*Demo in Jakarta condemning Freeport's complicity in human rights violations*

A huge demonstration, involving hundreds of protesters and numerous Indonesian NGOs and Papuan groups, including the Alliance of Papuan Students (AMP) and Koteka Tribal Assembly (Demmak), took place outside Freeport's Jakarta office on 28 October. Speakers condemned Freeport's complicity in destroying 'cultural rights, human rights, the environment and democracy' and for its involvement in 'political manipulation from the Act of Free Choice' onwards (11). An action in solidarity with the Jakarta protesters took place at Rio Tinto's offices in London on 24 October.

## Troops 'sweep' central highlands

In further evidence of a concerted campaign to undermine peace and stability in the territory, troops from Kopassus and the army's strategic command, Kostrad, launched a crackdown in April in response to an attack on an ammunition dump in the central highlands town of Wamena. Many Papuans were arbitrarily arrested and detained, beaten and tortured. Massive 'sweeping' operations through highland villages led to the killing of civilians and the destruction of homes, schools and crops. Around 1,000 people were forced to flee into the forests where they had no access to food. At least 16 people died, either at the hands of the troops or due to exposure or starvation. The military refused access to church groups and humanitarian workers. Film of the devastation caused by the sweepings was shown on the SBS dateline programme on 5 November which included film of the OPM letter calling for peace in West Papua (*see above*).

During the raid on the Wamena army arsenal, two soldiers and one local person were killed. Again, the military blamed the OPM for the attack, but once more there are strong suspicions that the TNI masterminded the attack to justify the crackdown which then took place. The incident also paved the way for the return of Kopassus troops to West Papua after they had been withdrawn because of outrage at their involvement in the killing of Theys Eluay.

Nine soldiers were tried by a military tribunal in relation to the attack on the Wamena arsenal. One was convicted of supplying weapons to the OPM and eight others were convicted of negligent performance of their guard duties. They were sentenced to jail terms of up to 14 months.

However, military trials are designed to reveal little of the truth about incidents of this nature. Their purpose is to ensure that proceedings are taken only against the lower-ranking soldiers who carried out the operation and do not reveal anything about the role of more senior officers.

### Oz new ties with Kopassus spark outrage

Turning a blind eye to Kopassus involvement in these and other atrocities in West Papua, Aceh and East Timor, and its association with the militant Muslim Laskar Jihad militias, the Australian Government announced in August that it would resume training links with the TNI, including Kopassus troops, which were suspended in 1999 following the TNI's role in orchestrating violence against pro-independence supporters in East Timor.

In doing this - in the name of the 'war against terror' - Australia demonstrated it has not learned a single lesson from the past when it maintained high-level links with the Indonesian military despite its brutal occupation of East Timor under the Suharto regime. It ignores the fact that the TNI is now involved in similar military campaigns against the people of Aceh and West Papua and that systematic acts of state terror by the TNI and Kopassus have claimed many times more victims than acts of terror by non-state actors.



*Demonstration in London in front of the RTZ office.*

The Australian Financial Review newspaper noted that 'although training in the past was supposed to concentrate on developing anti-terrorism skills, it expanded into exercises in which Kopassus were taught how to ambush members of the East Timorese resistance' (12). According to Dr Damien Kingsbury, author of *Power Politics and the Indonesian Military: The history of Kopassus's...activities* reads more like that of a terrorist organisation, which is not surprising given that the techniques and tactics of terror are explicitly outlined in a confidential Kopassus training manual' (13).

The decision to resume training provoked understandable anger amongst Australians familiar with the TNI's record of abuse. Even the Australian Defence Force, conscious that its own troops have been threatened by Kopassus in East Timor, have objected to visits to Australia by individuals involved in human rights violations. In October, the TNI was forced to cancel a visit to Perth when its Australian counterpart vetoed the inclusion in the delegation of the Kopassus commander, Major-General Sriyanto, who is currently on trial for his involvement in the Tanjung Priok massacre of Muslim

demonstrators in 1984 [see separate item].

The training is currently on hold, but there is no suggestion that the Australian Government will withdraw from its policy of re-engagement with the TNI.

### Targeting of human rights defenders

The TNI policy of creating instability in West Papua is facilitated by a culture of impunity and the intimidation of human rights defenders to prevent them carrying out their normal work. Threats to their lives and personal safety, harassment and other forms of intimidation have become routine (14).

In October 2002, ELSHAM's Jakarta Office was attacked and the co-ordinator of the office just escaped abduction by unknown assailants the same month. The office has been closed as a result of continuing threats. The internationally-respected supervisor of ELSHAM, John Rumbiak, presently a Visiting Fellow at New York's Columbia University, has been forced to delay his return to Papua for personal safety reasons.

On 28 December 2002, the wife and daughter of Johannes Bonay, executive director of ELSHAM, were shot and wounded while being driven to Jayapura from the border with Papua New Guinea. Bonay himself had planned to accompany them and it is likely that he was the target (14).

In a crude attempt to bankrupt ELSHAM, the Trikora military command is now suing Johannes Bonay and John Rumbiak for substantial damages for defamation in relation to ELSHAM's initial findings that the military were involved in the Freeport killings in August 2002.

### TNI linked to militias

The TNI has also been linked with the arrival in Papua of the Laskar Jihad militia, involved in much of the inter-religious conflicts in Maluku and Sulawesi with the support or connivance of the military, and the formation of the pro-Jakarta Satgas Merah Putih (Red-and-White) militias.

Major-General Mahidin Simbolon played a prominent role in creating militia forces in East Timor and it is likely that he is responsible for the presence of these destabilising militia forces in West Papua.

Laskar Jihad has conducted military-style training in West Papua and is known to have substantial supplies of weapons. Publications circulating in West Papua have accused Christians there of representing a threat to Indonesia's territorial integrity by supporting pro-independence demands.

### Civil society demands peace

Civil society's response to the tensions caused by the TNI's destabilisation strategy has been to repeat its calls for West Papua to be made a Zone of Peace.

Since March 2002, civil society groups and religious leaders have been pursuing various conflict resolution initiatives. A Peace Task Force was set up in July 2002, and a conference for peace in Papua, co-sponsored by Papua's governor, police chief, the provincial parliament and civil



society groups, was held in Jayapura in October 2002. Major-General Mahidin Simbolon was the only local official who refused to participate. Senior military officers, including armed forces chief, General Endriartono Sutarto have also refused to co-operate, further demonstrating that the military is not part of the solution, but the problem, in West Papua.

The peace conference decided to establish a Peace Commission to engage in conflict prevention, promotion of dialogue and popular education to promote Papua as a 'Zone of Peace'. This initiative is being co-ordinated by ELSHAM.

Foreign governments claim to support peaceful dialogue in West Papua, but because they are committed to strengthening relations with the TNI, their analyses and policy prescriptions are invariably self-serving and ignore the role of the TNI as a root cause of conflict.

In a joint statement issued with President Megawati following their meeting in Bali on 22 October, President Bush called on the separatist groups in Aceh and Papua to pursue their grievances through peaceful means. He further commended the Indonesian government's 'efforts to resolve communal conflicts through law enforcement, respect for human rights, dialogue, and reconciliation'.

The President deliberately ignored the fact that the TNI has actively thwarted dialogue and promoted conflict in Aceh, Papua, Maluku and elsewhere in Indonesia. His failure to acknowledge the reality of the situation in Indonesia is dangerous and can only increase the threat posed by the TNI to the stability and security of West Papua and other areas of conflict.

Governments must do more than indulge in the rhetoric of peace. They must support by effective diplomacy and, where appropriate, financial assistance the civilian-led Zone of Peace initiative, press the Indonesian Government to enter into a process of peaceful dialogue, mediated by a third neutral party, with West Papuan representatives and suspend all forms of co-operation with the TNI.

## Notes

- (1) "No more 'divide and rule'", Jakarta Post, 28 August 2003.
- (2) See TAPOL memo on Division of Papua, 11 February 2003 - <http://tapol.gn.apc.org/st030211.htm>
- (3) See testimony of John Rumbiak, ELSHAM, to European Parliament Committee on Development and Cooperation, Hearing on Papua and Aceh, 1 October 2003, available from TAPOL.
- (4) 'Dividing Papua: How Not To Do It', ICG, 9 April 2003, p. 8.
- (5) ELSHAM press release, 8 September 2003.
- (6) 'Army's elite soldiers pulled out of Papua', Jakarta Post, 3 July 2003.
- (7) Quoted in 'Indonesian soldiers under fire for killings' Courier Mail (Brisbane), 8 November 2003.
- (8) ICG, *ibid*, p. 6.
- (9) For a full report of the killings, see 'More Kopassus crimes in Papua', TAPOL Bulletin, No. 169/170, p. 22.
- (10) Walhi press release 22 October, and 'Justice Demanded for Victims of Freeport', Laksamana.Net, 23 October.
- (11) For a full report and details of the protesters demands see [http://www.westpapuanews.com/articles/publish/article\\_90.shtml](http://www.westpapuanews.com/articles/publish/article_90.shtml)
- (12) 'Megawati, Army Fuel Diplomatic Tension', Australian Financial Review, 11 October 2003.

(13) 'We must not get back in bed with Kopassus', The Age, 14 August 2003.

(14) For a detailed account, see 'Situation of Human Rights Defenders in Papua', ELSHAM briefing paper, June 2003.

(15) See 'More Kopassus crimes in Papua', *ibid*. TAPOL Bulletin, No. 169/170, p. 24.

## *continuation from page 10*

- was superbly hosted by the Auckland-based Indonesia Human Rights Committee and Pax Christi NZ. It attracted around 50 West Papuans and activists from countries as far apart as Aotearoa/New Zealand, Australia, Fiji, West Papua, Indonesia, USA, Hong Kong, UK and Ireland.

The eight West Papuan guests included Dr Ondawame, Agus Alua, Deputy Secretary General of the Papua Presidium Council, John Rumbiak of the human rights group, ELSHAM and the formidable grassroots environmental activist, Mama Yosepha Alomang, renowned for her work opposing the environmental destruction caused by the giant Freeport copper-and-gold mine.

The meeting was held in a traditional Maori meeting house and Maori activists provided new insights into indigenous peoples' struggles for self-determination.

The delegates confirmed their unequivocal support for West Papua's right to self-determination and condemned the deteriorating human rights situation in the territory. In a statement issued ahead of the Forum meeting entitled West Papua: The Forgotten Pacific Country, they urged Forum leaders to press Indonesia to end military operations, to start a process of demilitarisation of West Papua and to renew efforts to resolve the conflict by peaceful means according to the West Papuans' call for their country to be made a 'Land of Peace'. They also called upon member states to end all forms of military cooperation with Indonesia, including the training of military personnel, and to support the campaign calling for the United Nations to review its conduct at the time of the fraudulent 'Act of Free Choice' in 1969 [see <http://westpapuaaction.buz.org/unreview/> and 'West Papua Campaign launched at UN', TAPOL Bulletin No. 166/167, p. 27].

Later in a highlight of the week, participants joined other Auckland activists in a flag-waving vigil in front of the city's Sheraton Hotel to greet dignitaries arriving for the Forum opening ceremony. Chanting "Free West Papua", the gathering hastily re-located to a side entrance of the hotel when the guests were unceremoniously dumped there to avoid the demonstrators. The protest attracted prominent coverage on New Zealand television's main evening news. Media coverage of the solidarity lobby and associated events - including a speaking tour of Aotearoa/New Zealand by John Rumbiak - was also extensive.

Much was achieved in a hectic week of networking, strategising and lobbying. The solidarity movement has grown stronger, established a vital presence in the Pacific region and strengthened its ties with the West Papuan leadership. Most importantly, the work undertaken in raising awareness of West Papua at the Forum has laid a solid foundation for generating meaningful support for the cause in future years. [The northern component of the Fourth ISMWP was held in Brussels in June. A statement issued by that meeting is available at <http://tapol>]

# Classified documents confirm US support for rigged 'Act of Free Choice'

*Recently-obtained classified U.S. Government documents reveal US complicity in the subterfuge whereby the UN General Assembly gave its approval to the 1969 'Act of Free Choice', which denied the people of West Papua their right to self-determination. The documents show that the US knew the process was rigged, that it did nothing about Indonesian coercion and death threats against Papuans and that it lobbied behind the scenes to ensure the process was accepted by the UN.*

The 'Act of Free Choice' was promised to West Papua in an agreement brokered by the US and signed at the United Nations in 1962 between the outgoing Colonial power, the Dutch, and the Indonesian Government which claimed the territory.

George Washington University's "National Security Archives" Brad Simpson compiled the declassified documents collected in research entitled '*Funding Repression: The Indonesian - East Timor Project*'. The compilation of declassified U.S. Government messages and memoranda documents U.S. Government actions and policies regarding Indonesia's annexation of West Papua in 1969. The documents confirm a disturbing example of Cold War realpolitik in which a patently undemocratic process enabled the Government of Indonesian dictator Soeharto to assume control of a vast territory populated by a people racially, religiously and culturally distinct from the great majority of the Indonesian population.

The declassified messages and briefing papers - obtained through the Freedom of Information Act - document US (and UN) awareness that the 'Act of Free Choice' was deliberately and fatally flawed in conception and implementation. They provide a valuable addition to Dr John Saltford's recent exposé of the UN's role in this disgraceful episode in his book '*The United Nations and the Indonesian Takeover of West Papua, 1962-1969: The Anatomy of Betrayal*'.

Because of its role in brokering negotiations between the Netherlands and Indonesia, the US bore a special responsibility to ensure the fairness of the process through which the Papuan people were to determine their future. The documents reveal that the U.S. manifestly failed in this responsibility.

Negotiations for the 1962 'New York Agreement' were organised and mediated by the senior US diplomat Ellsworth Bunker, who worked to defuse a festering confrontation between the Dutch and the Government of President Soekarno. Soekarno, father of the current Indonesian President, was determined to unite all of the Dutch colonial holdings in the region under the Indonesian flag and sent troops to West Papua in an attempt to secure it. Ironically, those troops were led by then Colonel Soeharto, the brutal dictator who would subsequently force Soekarno from power in 1966. In 1962, the Kennedy Administration, anxious to avoid an anti-colonialist war and concerned that the unpredictable nationalist Indonesian leader might turn to Moscow or Beijing for help, employed Bunker to press the Dutch to forego plans to accord the Papuans independence and instead make a deal with the Indonesians.

The resulting 'New York Agreement' placed the Papuans under what amounted to an Indonesian trusteeship for seven years, with the promise of an 'act of free choice' at the end of that interregnum. The UN, according to the agreement, was to provide an interim minimum seven month administrative presence, allowing the Dutch a diplomatic departure, and, crucially, was also to provide oversight ('assistance and participation') to ensure the act of free choice was free and fair. Papuans were afforded no role in the 1962 negotiations.

The succeeding seven years of rule from Jakarta were a disaster for the Papuans. Under the guise of rooting out ineffectual, small scale resistance mounted by poorly armed Papuans resisting brutal Indonesian rule, the Indonesian military mounted successive campaigns which exacted an enormous toll on the defenseless civilian population. The Indonesians broadly failed to provide critical health services, education or economic development to the Papuans who had languished under Dutch colonial rule. The Indonesian government launched exploitation of the vast natural riches in West Papua well before the 'Act of Free Choice' with benefits accruing to the Indonesians and foreign firms, notably the U.S.-based Freeport McMoran, which in 1967 began excavation of what is today the world's largest copper and gold mine.

## Papuan support for independence

The documents reveal clear U.S. understanding that as a consequence of Jakarta's misrule most Papuans, given a free and fair choice, would opt for independence. A May 1967 U.S. Embassy report noted that the Papuans 'resent (the) arrogance of Indonesian military and blame Indonesian officials for drastic shortages of goods and poor living standards now prevailing'. A separate Embassy report explained that the Indonesian Government's presence in West Papua 'is expressed primarily in the form of the Army'. An October 1967 Embassy airgram cited a Papuan holding a senior position in the Indonesian Foreign ministry as stating '99 percent of the Papuan population favors independence from Indonesia'. A July 1969 'confidential' airgram from the Embassy reported that 'grievances and anti-GOI sentiment are quite real, however, and there is little question that a great majority of the non-Stone Age Irianese favor a termination of Indonesian rule'. The message continued: 'Opposition to the GOI stems from economic deprivation over the years, military repression and capriciousness and mal-administration.'

The report concluded that 'probably a decided majority of the Irianese people, and possibly 85 to 90 percent, are in sympathy with the Free Papua cause or at least intensely

dislikes Indonesians'. The message identified among the Indonesian rulers 'a tendency to degrade the Irianese for their darker skin' and noted that Indonesian soldiers 'commonly expropriate agricultural commodities'. The report also cites a more specific crime noting multiple reports from missionaries that upon taking control of West Papua from the UN in 1963, Indonesian military personnel emptied warehouses of goods belonging to local merchants and transported the merchandise and food by Indonesian Air Force planes out of the area. The report notes that within two months, there was an acute shortage of food and consumer goods. Reporting from the Embassy to Washington is also replete with accounts of human rights abuse by the Indonesian authorities including holding and mistreatment of political prisoners, looting conducted against the Papuan civil population, and general brutality.

At the same time, the Embassy also was aware of the Indonesian Government's determination to retain control of West Papua ('West Irian'). A February 1968 Embassy airgram cited 'most observers' as concluding that while there was broad Papuan support for independence, *'Indonesia will not permit a plebiscite which would reach such an outcome'*. While the US Embassy met regularly with Papuans and reported their grievances in classified channels to Washington, senior US officials made clear to the Papuans that they *'should look to Holland in the first instance for insuring the fair implementation of the New York Agreement'* arguing that while the US brokered the agreement, it was not a signatory to it. At the same time, Embassy reporting also noted Indonesian efforts to prevent Papuans from contacting and seeking redress from the few UN officials in the area.

## Warnings deliberately ignored

The visit of an Embassy official to Papua in early 1968 provided the U.S. with early warning that the Indonesians were planning to subvert the 'Act of Free Choice'. An extensive report on the visit cited a U.N. official as describing the 'probable' Indonesian plans as entailing the following: *'the Government will divide West Irian into a number of areas and select a slate of three to five persons from each area; a minority of each area's groups may be chosen on the basis of local preference, but the majority will be Indonesian or Indonesian controlled; the groups thus constituted will convene as a whole and endorse union with Indonesia.'* That description largely anticipated the subterfuge Jakarta was to conduct some 18 months later. Underscoring the necessity of resorting to such fraud, the same report notes *'all but one Westerner contacted were persistent in the belief that Indonesia could not win an open election.'* The Embassy reporting officer concluded that *'violence is inevitable'*.

The documents make clear that while the US Government, through its Embassy in Jakarta, was fully aware of the Indonesian intent to subvert the plebiscite, Washington was not disposed to do anything to protect the democratic integrity of the process. A June 1969 Embassy 'confidential' telegram to the State Department stated: 'Considering all aspects of (the) situation, mission wholeheartedly endorses Department position and guidance ... USG has nothing to gain by interfering in (an) already complex problem and thereby disrupting present fruitful relations with GOI (Government of Indonesia).'

The Embassy message to the Department continues, 'we should, however, continue in low key to bring to GOI atten-

tion need for credibility in Act of Free Choice for Irianese sake and to keep relations with Government of Australia and Government of Netherlands on (an) even keel'. A 'secret' State Department telegram to the US delegation at the United Nations also in June 1969 underscored this US position. It instructed the US UN team as follows: 'As you are aware, discussion (of) this subject with U Thant (UN Secretary General) is for a number of reasons a very delicate matter. We do not wish to undercut our noninvolved stance and appear to be interfering in what is essentially a matter between SYG (Secretary General U Thant) and GOI. We wish especially to avoid leaving (the) impression that USG (is) pressing the SYG toward firmer position with GOI on carrying out "letter and spirit" of the 1962 agreement.'

## Kissinger memo urges US to keep distance

The importance of maintaining a discreet public distance from the rigged plebiscite was underscored in a 'secret' memo signed by Henry Kissinger, then serving as Director of the National Security Council, and addressed to President Nixon. The July 18, 1969 document is a briefing paper preparing President Nixon for his upcoming visit to Jakarta. Kissinger's briefing paper, under the heading of 'Points to Avoid', cautions Nixon: 'the West Irian "act of free choice" will be underway during your visit. It consists of a series of consultations rather than a direct election, which would be almost meaningless among the stone age cultures of New Guinea'. Kissinger's memo continues: 'there is a UN observer on the scene, and we assume that U Thant will go along with the Indonesian form of the act of free choice. There is, however, a small but active West Papuan independence movement, and a variety of groups in Australia and the Netherlands which take exception to the Indonesian techniques of self-determination. Because the U.S. played a mediating role in resolving the Indonesian/Dutch controversy over the future of West Irian, there may be a tendency to associate you with the form in which the act of free choice is being conducted. We should avoid any U.S. identification with this act.'

In 'talking points' prepared for Nixon's meeting with Soeharto, the Kissinger memo advises Nixon that 'we believe West Irian will definitely decide to stay with Indonesia'. Kissinger advises Nixon not to raise the issue but adds that if the Indonesians were to raise it, Nixon should say that 'we understand the problems they face in West Irian but do not believe it is in our interest or that of Indonesia for us to become directly involved.' The U.S. willingness to give tacit support to the subterfuge in West Papua, which was underway during the visit, is explained in part by the Kissinger memo's description of the Soeharto regime, whose army, by that time, had succeeded in killing hundreds of thousands, possibly half a million political enemies. Kissinger's memo said of Soeharto's rule: 'The government is under the control of a moderate military man, Suharto, who although indecisive by outside standards is committed to progress and reform. He has achieved impressive results in his own way in cleaning up the mess left by Sukarno.'

As planning for the a mid-1969 'Act of Free Choice' unfolded, the Embassy reported without comment information provided by the Indonesian Government that it had succeeded in limiting the role of the Secretary General's personal representative, Bolivian Ambassador Fernando Ortiz-Sans, who, according to the New York Agreement, was to assist in administering the plebiscite. The Embassy





29 September 1962, UN Flag hoisted in West Papua

reported that the Indonesians in New York had managed to delay the arrival of the UN official (Bolivian Ambassador Ortiz Sans), reduce his staff from 11 to five (his staff eventually grew to 16) and ensure that he would be based in Jakarta and not in West Irian. A May 1969 airgram from the Embassy noted the diminished role of Ortiz-Sans as the plebiscite approached: 'the active role he envisaged for (his) mission in influencing the GOI has been blunted in recent months and his grand plans have been circumscribed and his activities limited strictly to observer/advisory function.'

### US aware of death threats

The Embassy also regularly reported progress of GOI plans to preclude any democratic result in the plebiscite. An August 1968 telegram from the Ambassador described the Indonesian Government as 'working to carry out (the) 1962 agreement in (a) manner which is meaningful but which at the same time will ensure continued Indonesian control of West Irian.' A June 1969 Embassy airgram reported without comment death threats from the Indonesian military issued to any Papuan who did not vote for integration in the 'Act of Free Choice.'

The 'Act of Free Choice' transpired during the summer of 1969 and followed Jakarta's plan closely. The Indonesians selected a total of 1026 Papuans who were assembled at various locations and given the option to vote for or against Papua's incorporation into Indonesia. (Eventually only 1,022 participated.) The process, as described in notes from the period compiled by a western journalist in Papua and by an Indonesian 'observer' sponsored by Jakarta, was transparently fraudulent. 'Delegates' were encouraged to drink excessively by their Jakarta military hosts. Those who indicated any resistance to a pro-Jakarta vote were bluntly threatened. In the end, the vote was unanimous for annexation.

### Indonesia expresses appreciation for US influence over UN vote

U.S. behind-the-scenes support for Jakarta's fraudulent 'Act of Free Choice' was most important at the United Nations where the General Assembly, in the Fall of 1969, was called to accept the exercise. An August 1969 memo from the State Department's Director for Indonesia, Paul Gardner, to Assistant Secretary Green in advance of a meeting between Ambassador Green and the Indonesian UN Ambassador reconfirmed the USG strategy of offering quiet diplomatic support to the Indonesians. The memo alerted Green that 'the Ambassador might ask for our support in preparing smooth UN handling of the act'. It advised: 'You might point out that lobbying for certain procedures could focus undue attention on the agenda item, stimulating other nations to take part. If asked by other delegations for our views, however, the U.S. delegation would note that lengthy debate could serve no useful purpose.'

In fact, U.S. support for the Indonesians at the U.N. General Assembly ultimately proved to be substantial. A November 17, 1969 'memorandum of conversation' reported on a discussion between Secretary of State Rogers and Indonesian Foreign Minister Malik and their staffs. The memo notes that in response to a request from Malik that the U.S. 'do what it could to convince the African nations of the need for judicious handling of the 'Act of Free Choice matter,' Secretary Rogers responded that the U.S. 'had already been in touch with the delegations mentioned by Foreign Minister Malik as well as with others.' Rogers added: 'In our general discussions on this matter we have taken the position that the 1962 Agreement has been satisfactorily executed.' The Secretary then offered to contact one key African Ambassador personally.

The importance of the US role in the ultimate UN failure to disapprove the fraudulent 'act of free choice' is made clear in a December 1969 message from the Indonesian mission to the UN to the US mission. The message, signed by the Indonesian Mission Chief, states: 'On behalf of the Indonesian delegation, permanent mission and staff, let me express to you our appreciation for your valuable support regarding West Irian, which has helped make possible the successful completion of the long struggle of the Indonesian people for complete freedom, national unity and territorial integrity.'

**Postscript:** In what must appear as *deja vu* for Papuans, the U.S. and the international community appear again to be conspiring with the Government of Indonesia to subvert the civil and political rights of the Papuans. After having pressed Papuans to accept Jakarta's offers of 'special autonomy' rather than pursue independence, the U.S. and many in the international community have reacted in silence as Jakarta has reneged on its own special autonomy offer and instead, has sought to divide the Province into three parts [see separate item]. At the same time, among those concerned about justice for the Papuans, there is a growing campaign to persuade the United Nations to review its acceptance of the fraudulent 1969 'Act of Free Choice' [visit also: <http://westpapuaaction.buz.org/unreview/>].

*This is an edited version of an article by Edmund McWilliams, a retired US senior Foreign Service Officer who served as Political Counsellor at the US Embassy in Jakarta in the late 1990's*

# Will justice be done at the Priok trials?

*An ad hoc human rights court in Jakarta has started to try suspects involved in the Tanjung Priok massacre. All 14 defendants are members of the military and police. It has taken almost two decades for this trial to materialise. This is the second ad hoc human rights court following the trials on East Timor. The senior officers at that time, the armed forces Commander-in-Chief General Benny Murdani and Jakarta military commander General Try Sutrisno are absent from the list of defendants.*

It took years of efforts before the Tanjung Priok trials actually took place. Lack of political will was the main reason. Twice the Commission that had the task of investigating the Tanjung Priok massacre (KPP Ham Tanjung Priok, Komisi Penyelidik dan Pemeriksa Pelanggaran Hak Azasi Manusia di Tanjung Priok) was asked by the Attorney General's Office to improve their investigation and findings. It was thanks to the persistent work by the human rights organisation Kontras, together with Komnas HAM, the National Commission of Human Rights and last but not least members of the families of the Tanjung Priok victims that finally made the trials a reality.

The Tanjung Priok massacre happened when military and police started firing at random on a peaceful demonstration of around 5,000 people demanding the release of 4 people who were arrested in an earlier bout with the military. Allegedly some anti government posters were hanging in a mosque and an NCO officer, wearing his army boots, stripped the poster from the wall. This incident created protests and an angry crowd burned the motor cycle of the NCO officer, which resulted in the arrest of the four.

## Kopassus commander on trial

The most senior active service officer on charge is Major General Sriyanto Muntrasan, the present commander of Kopassus, the notorious red berets elite troops of the Indonesian army. At the time he was serving as a young intelligence officer with the rank of captain heading the North Jakarta military district operational unit. Under the Human Rights Law no. 26/2000, if found guilty the defendants face a minimum of 10 years imprisonment and a maximum sentence of death.



*Sriyanto, the smiling general*

Sriyanto who became commander of Kopassus last year has denied any wrongdoing in the Tanjung Priok case. One of the prosecutors, Darmono, told the judges at the Jakarta Central District Court

that: "As an operational officer, the defendant did not stop his men from carrying out gross human rights violations". According to Darmono, defendant Sriyanto shouted at the

demonstrators: "Disperse or we will shoot you."

The 5,000 men strong Kopassus outfit has been involved in all the major human rights violations since 1965. Their bloody role in East Timor in the nineties and in fanning a sectarian war in Maluku is widely known. Kopassus is often seen as an outfit outside state control, or even outside the control of the armed forces command.

Some of the other prominent defendants are retired officers like Major General (ret) Pranowo and Major General (ret) Rudolf Butar-Butar. They are accused of having failed to prevent the killing spree and the mistreatment of civilians during and after the incident.

## Intimidation

During the sessions of Sriyanto's trial, hundreds of Kopassus soldiers in uniform crowded in the courtroom, demonstrating their support for their commander. Soldiers from other units also arrived in military trucks. At one point the soldiers filled the aisles and hallway. Three rows of military vehicles were parked in front of the court building.

Witnesses/survivors of the Priok tragedy and their human rights lawyers have called this 'show of force' an act of intimidation. Around 20 victims asked the police to protect them from the Kopassus soldiers.

In the session of 11 November two witnesses withdrew their written and signed statements in the dossier against Major General (ret) Pranowo. Syarifuddin Rambe and Ahmad Safi said in their testimonies that they did not suffer torture other than 'just casual beatings' during the period of detention. Both men now claim that their statements were 'emotionally-charged' and regret having made them. In an earlier session Syarifuddin Rambe made a statement that he was tortured during detention.

In the last two years serious efforts have been made by the military to find a way to accommodate the grievances of the victims and their families. Former Vice President General (ret) Try Sutrisno, at that time army commander of Jakarta, created a so called Islamic reconciliation settlement (isliah) with the community in Tanjung Priok. Some 87 people, including Rambe and Safi were signatories of the agreement. It has not been disclosed how much money was involved in this arrangement.

## 'Forgotten' tragedy

The Tanjung Priok massacre occurred on 12 September 1984 at a time when the Suharto government was imposing a 'strait jacket' ideology for the entire nation: political parties, organisations and individuals. This mono-loyalty doctrine met strong resistance in certain Muslim circles and the Tanjung Priok massacre became the start of a vicious drive against Muslim communities in many parts of Java. The Tanjung Priok tragedy never became a major issue in Indonesian politics. In the early part of the eighties the



Suharto regime was arguably at the peak of his power and one of the main features was to impose the state doctrine Pancasila down everybody's throat.

It was generally accepted in human rights circles that voices against the Pancasila, mainly from Muslim groups, were deliberately fostered but at the same time closely monitored. It was a fact of life that certain mosques became the rallying point for anti-Pancasila sermons and an incident was easily stage-managed. As described above, a soldier, allegedly wearing his boots, marched in a mosque in Priok and the provocation was born.

The main Muslim organisations: Muhammadiyah and Nahdlatul Ulama kept quiet and failed to raise the issue. It was clear that the regime would come down on them also heavy-handedly. The curbed Indonesian press could hardly report anything. In the following two years hundreds of people were arrested, mostly members of small Muslim communities. A real witch-hunt started with the Tanjung Priok massacre. One year after the tragedy 28 people who took part in the demonstration in Tanjung Priok were put on trial and received heavy prison sentences. In this atmosphere of fear and terror, it was practically impossible to bring the issue to the surface. Only after the fall of Suharto in 1998 were the victims of Tanjung Priok able to speak up.

## Number of victims

Komnas HAM, the National Commission of Human Rights conducted an investigation and came to the conclusion that 33 people were killed during the shooting and another 555 injured. Families of the victims insist that the death toll was around 400. Listening to the accounts of some of the survivors the death toll must have been high as the troops opened fire at random on the 5,000 protestors with the deliberate aim to kill. In the second stage troops began to move up the streets hunting survivors and finishing off wounded victims on the streets.

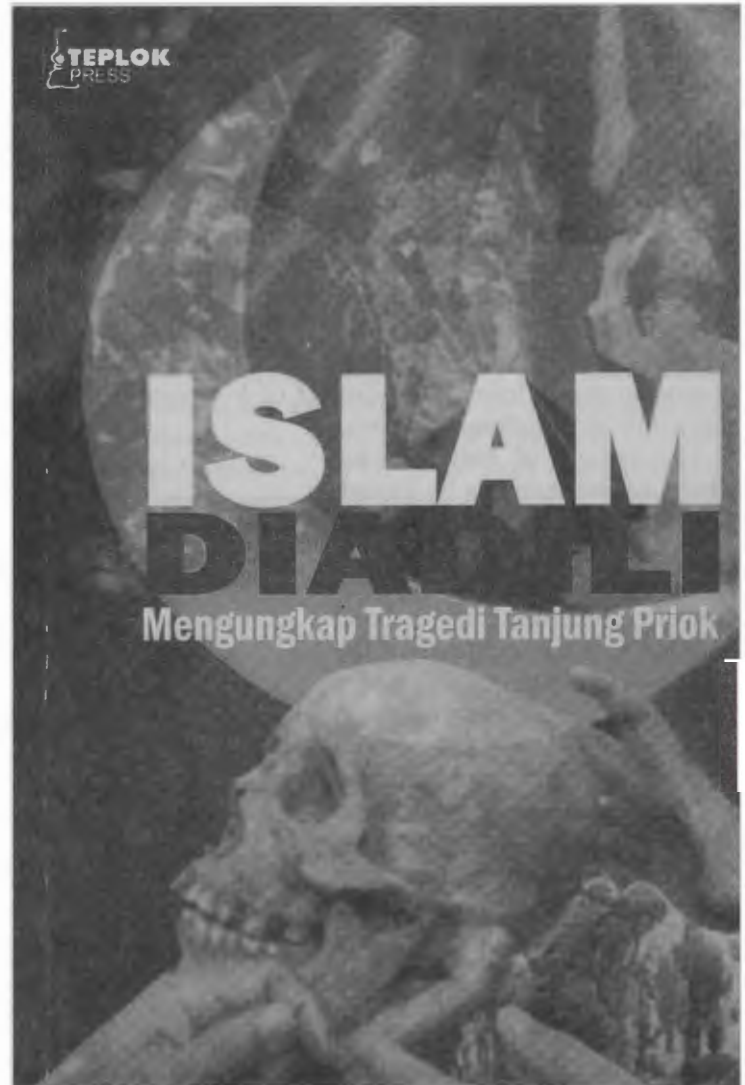
## Ad hoc human rights courts

Ad hoc human rights courts in Indonesia are new and only came became possible after the fall of Suharto in 1998. It took another 4 years before the first ad hoc human rights court (on East Timor) was established in July 2002. And this happened only after strong pressure from the international community.

The overall conclusion of the East Timor ad hoc court is that the Indonesian judiciary is not committed to providing meaningful justice for the victims of human rights atrocities in East Timor. Despite the availability of overwhelming evidence that the violence in East Timor was orchestrated by the TNI, it became the policy of the prosecution to falsely portray the crimes as part of a conflict between two violent East Timorese factions which the Indonesian security forces failed to control. Another fundamental flaw of the ad hoc court on East Timor was the fact that the main person responsible, General Wiranto, armed forces commander at that time was not named as suspect. The present Priok trials became possible because the human rights community presented it as a package together with the East Timor trials.

Many similarities can be seen between the two ad hoc courts. The main responsible officers, General Murdani, the commander-in-chief in those days and General Try Sutrisno, the Jakarta military commander were seen by the prosecution as innocent. Due course it will become more

clear what kind of direction will be used by the prosecution to avoid will go. The East Timor showed fundamental flaws as the main perpetrators were not indicted. The only positive outcome was the spotlight given by the press on the East Timor tragedy itself. It is more than likely the outcome of the Priok trials will be just that. \*



## ISLAM DIADILI

Mengungkap Tragedi Tanjung Priok  
(original title Muslims on Trial, TAPOL Publication  
1987



## Fresh violence rocks Central Sulawesi

*The periodic violence which has blighted Central Sulawesi since December 1998 erupted again at the beginning of October when a series of attacks killed at least 13 people. While the attacks have not yet set off the feared cycle of revenge attacks and recriminations, they have increased tensions and undermined the fragile peace in the province.*

Exactly a year after the terrorist outrage in Bali, nine people were killed and eleven injured following a well-planned armed attack by masked men in the early morning of 12 October on three villages in Central Sulawesi. A tenth person was later found dead having been reported missing after the attack. The villages - Saatu, Pantangolemba and Pinedapa - are in the Pesisir sub-district west of Poso city, the centre of regional unrest over the past five years.

Just two days earlier, three people were killed, five were seriously injured and dozens of houses were burned to the ground in the Beteleme sub-district of Morowali Regency, some 300 km southeast of Poso.

The targets of both attacks, which are believed to be linked, were pre-dominantly Christian villages. Previously Beteleme was largely unaffected by the conflict, but may have been targeted as the home town of the notorious Christian militia leader Febianus Tibo, currently on death row following his conviction for the murder of Muslims.

The Indonesian Government deployed an additional 8,000 troops and police to the area. Following an intensive hunt for the attackers, a joint police and military force shot dead six suspects in a Morowali forest. Around 20 other suspects have been arrested and are being held in police custody.

Despite concerns that the attacks would unleash a spiral of sectarian violence similar to that which occurred in and around Poso between 1998 and 2001, the feared cycle of revenge killings has so far not materialised.

The unrest in Central Sulawesi, originally sparked by a minor incident between a Protestant and a Muslim youth in Poso in December 1998, has claimed over 1,000 lives and made tens of thousands homeless. Although on a smaller scale than the communal conflict in neighbouring Maluku, it has been equally devastating for the communities involved. A peace agreement, known as the Malino Declaration, signed in December 2001 brought some relief, but occasional incidents of violence have continued to occur.

### Complex causes

The unrest is often portrayed as a religious conflict

between Muslim and Christian groups in and around Poso, but the underlying causes are far more complex. Religion has played a part, but so have inter-related political, economic, social and ethnic rivalries and tensions. In common with many other recent conflicts in Indonesia, these tensions initially fed on the security vacuum created by the downfall of the authoritarian Suharto dictatorship in May 1998. The fall-out from Indonesia's economic crisis of 1997 was also a significant factor.

The conflict has also been used by outside forces, including the notorious Laskar Jihad militia, for their own ends.



The arrival of several thousand Laskar Jihad forces in the middle of 2001 notably increased the intensity of the fighting. There are persistent but unsubstantiated claims that international terrorist networks, such as Al Qaeda and its alleged regional affiliate, Jema'ah Islamiyah, have taken advantage of the instability to set up training camps in the area (1).

The failure of key institutions such as the local and national government, the security forces and the courts to respond adequately and effectively to the crisis has also been key. The police and army have been accused of, at worst, providing weapons and training to the rival factions and fanning the flames of the conflict to further their own economic and political interests and, at best, abject failure in their responsibility to enforce law and order and bring the perpetrators of violent crimes to justice. According to local residents quoted by Human Right Watch: '...an effective and unbiased deployment of police or military, supported by a justice system that could hold the perpetrators individually

accountable, could have ended the problem when it began in 1998' (2).

The head of one of the villages attacked on 12 October said 'I saw guns like those belonging to security officers who were once on duty here' (3). Ammunition made by Pindad, the state-owned weapons company which supplies the Indonesian military (TNI), has also been reportedly found. TNI Commander in Chief, Gen. Endriartono Sutarto, denied his men were involved, but threatened his own form of retribution if they were: 'If it is subsequently proven that



soldiers who ought to be securing the area were part of the problem, they should be shot in the head,' he warned (4).

### Peace remains fragile

Several theories have been advanced to explain the cause of the recent outbreak of violence but they are still partly speculative.

One theory, reported by the Indonesian weekly journal *Tempo*, and supported by Coordinating Minister for People's Welfare, Jusuf Kalla, who brokered the Malino Declaration, links the attacks with Jema'ah Islamiyah, the shadowy group blamed for the Bali bombing atrocity. Some significance has been attached to the fact that the attack on Poso occurred on the first anniversary of the Bali bombing and several of the Poso suspects killed by the police or held in detention originally came from Lamongan, East Java, the hometown of convicted Bali bombers Amrozi, Ali Imron and Ali Ghufron, alias Mukhlis. According to *Tempo*, the alleged mastermind behind the recent attacks, Muhammadong alias Madong, who was one of the six suspects shot dead by the police, was a former pupil of Mustofa, an important Jema'ah Islamiyah leader in Sulawesi, Maluku and the southern Philippines.

Poso has long been a strategic location in trade routes linking Malaysia, Kalimantan, Sulawesi and Mindanao in the

southern Philippines, the home of the Philippines Islamic movement, and is now used for the smuggling of weapons through this route. The southern Philippines has been identified as the source of many of the weapons used in the recent attacks.

Prominent activist, George Aditjondro, believes that the repeated incidents in which armed groups have provoked conflict between the two communities are evidence of a war between Indonesian intelligence and local residents (5).

Others, including the police, are more cautious about the involvement of outsiders and blame local political rivalries or the renewal of unresolved feuds from previous outbursts of violence. One high-ranking police officer claimed the attacks were the work of individuals and had nothing to do with Muslim or Christian communities: 'That's why religious leaders were not provoked by the incidents because they remain committed to the Malino Accord,' he said (6).

Whatever the explanation for the recent attacks and notwithstanding the moderation of the response, peace in the area remains fragile. Many of the root causes of the violence have not been addressed properly and provocation from outside forces continues to be a possible threat. Much work still needs to be done to enforce law and order and to build the trust and reconciliation necessary for the communities of Central Sulawesi to enjoy the peace they deserve.

### Notes

- (1). For analyses of the root causes of the conflict, see 'Dirty War in Central Sulawesi', *TAPOL Bulletin No 164/165*, p. 17 and 'Breakdown: Four Years of Communal Violence in Central Sulawesi', *Human Rights Watch*, December 2002 -

<http://www.hrw.org/press/2002/12/indo1204.htm>

(2) *Human Rights Watch*, *ibid.*, p. 2.

(3) 'Govt to impede infiltration of Poso' *Jakarta Post*, 16 October 2003.

(4) 'Waiting for the Next Attack', *Tempo*, 28 Oct - 3 Nov 2003.

(5) 'Poso conflict is a war between intelligence and local residents, says observer' *Antara*, 19 October 2003.

(6) 'Police nab one more suspect in Marowali case', *Jakarta Post*, 4 November 2003.

## European Parliament acts on Aceh and Papua

*On October 1, 2003, a hearing on human rights in Papua and Aceh was held at the European Parliament (EP) in Brussels, hosted by its Committee on Development and Co-operation. The event was also attended by solidarity groups and activists.*

The establishment of Martial Law in Aceh on May 19, effectively closed the province to all outside attention and aid. In Papua, the ongoing instability reflects the government's move to divide the province into three. In both provinces widespread human rights abuses continue unabated. The situation prompted the European Parliament to pass an Urgency Resolution '...on the situation of human rights in Indonesia', specifically in Aceh and Papua, adopted on June 5, 2003.

An objective of the committee's hearing was to ensure that the Urgency Resolution was followed up.

Like all EP committees, the Committee on Development and Co-operation prepares legislative and non-legislative directives and reports. They then come before a plenary session, to be passed into 'EU laws'. What makes an Urgency Resolution special is that it is a compromise between the seven European level party political groups. Despite being a non-legislative resolution when it concerns a third country, an Urgency Resolution constitutes a strong political signal of the parliament's opinion and will.

The Acehnese and West Papua representatives invited to make contributions were John Rumbiak, executive director of the Papua based Indonesian human rights NGO ELSHAM (Institute of Human Rights Study and Advocacy) and Aguswandi, a board member of the Aceh office of the Indonesian human rights NGO KONTRAS (Commission for Disappearances and Victims of Violence) and representative of Tapol.

Mr Malik Mahmoud from the ASNLF (Aceh-Sumatra National Liberation Front) - the political leadership of the Free Aceh Movement (GAM) - gave his perspective on the Aceh situation.

The Indonesian Government refused to participate, choosing instead to send a letter of protest to the committee. This was regrettable, as a good opportunity was missed for Indonesia to explain what non-military solutions it had taken regarding Aceh and Papua.

Both the hearing and the following press conference stressed that invitations to have a dialogue do not constitute endorsement of any particular views. John Rumbiak pointed out that "no matter what, both sides of conflict are needed" for a dialogue for peace to take place between Jakarta and Papua. His suggestion that human security be prioritised over state security was reflected in the Rapporteur's reminder that human rights are indivisible.

The committee's acting chairman MEP Max van den Berg (PES, the Netherlands) said in his opening words that it is important "for the EU to continue supporting those tolerant and moderate developments which help to end violence in Papua and Aceh".

Aguswandi stressed that in Aceh, nobody is winning the war - not GAM, not the Indonesian Government, and definitively not the civilian population. The problem won't be

solved by a couple of peace deal meetings, he said, because its root cause is not separatism but the Indonesian military (TNI) whose militaristic approach to political problems demands that foreign governments put pressure on the TNI. GAM reiterated that it was ready to re-open dialogue.

### An important role for the EU

John Rumbiak confirmed that there was a definite role for the EU, and that financial and political support from the international community was important. The Rapporteur said that the EU was already financially engaged as a member of the Tokyo Preparatory Conference on Peace and Reconstruction in Aceh, along with the World Bank, the US and Japan.

One cannot overestimate the importance of the 1 October hearing. The EU does not always follow-up issues of concern effectively, but this hearing went beyond the parliament's usual watchdog role. As well as applying democratic pressure and using its press visibility, it gave political support to the commission that initiates and adjusts programmes, is charged with their implementation, and represents the EU in its foreign relations.

John Rumbiak drew attention to the EU's political and trade relations with Indonesia, referring to EU arms sales to Indonesia and environmental destruction in his native Papua. He asked: should not the EU's bilateral relations be subject to stringent human and other rights conditions?

### EU 'ready to act'

The MEPs agreed to join the UN Secretary General's call to open up Aceh for external aid. The representative of the EU Commission confirmed that it was "ready to act" and that aid to Aceh needed to resume. One of Aguswandi's key contributions was to call for a greater role for civil society in conflict resolution and the building of sustainable peace.

The Rapporteur's speech (available in French from Tapol) called for "moderate, critical voices to advance peace and reconstruction". In reference to Papuans' relations with Jakarta, he continued that "[w]e are ready to offer mediation to facilitate this dialogue".

MEP Nelly Maes (EFA president, Flanders) called for a parliamentary delegation to visit Papua to study the development needs of its population.

The Urgency Resolution and the hearing constitute a forceful political endorsement of urgent action to address human rights violations and humanitarian plight in Aceh and Papua.



# US Congress opposes military ties as UK support for TNI remains strong

*Efforts by the Bush administration to revive military ties with Indonesia in the name of the 'war against terror' have foundered on strong Congressional opposition based on concerns about the TNI's lack of accountability and its continuing record of abuse in Aceh, West Papua and elsewhere. But British support for the TNI alarmingly continues to increase.*

## Bush 'misspeaks'

In an embarrassing episode for the White House, President Bush had to be corrected by officials after he stated on Indonesian television ahead of a meeting with President Megawati in Bali on 22 October that he hoped to 'go forward with a package of military-to-military cooperation' with Indonesia following a change of attitude by Congress. Referring to a stumbling block in relations between the two countries, the President said he appreciated Indonesia's co-operation with the FBI in investigating the killing of two Americans in August 2002 at the Freeport copper-and-gold mine in West Papua. The Indonesian police and the human rights group ELSHAM say there is strong evidence that the killings were perpetrated by Indonesian military (TNI) personnel [see separate item: *'Military sets Papua agenda'*].

According to the Washington Post, administration officials offered the unusual explanation that the President 'misspoke' during the television interview. They said that no new programmes are currently planned or have been approved. 'Progress in building a broader military-to-military relationship... will be pinned on continued cooperation from Indonesia on the investigation into the [Freeport] murders,' they said ['Officials Correct Bush on Indonesia', Washington Post, 20 October 2003].

The President was wrong in stating that Congress has changed its attitude. In fact, both Houses strongly oppose renewed military ties because of the TNI's human rights record and its suspected involvement in the Freeport killings.

## Congress bans IMET

In July, the House of Representatives voted unanimously to stop the administration spending \$600,000 in 2004 on a programme known as International Military Education and Training (IMET), which brings foreign military officers to the US for training, until the President certifies that Indonesia is co-operating fully with the Freeport investigation. The Senate also agreed unanimously to ban IMET in a vote on 28 October. Both the House and Senate measures continue the ban on foreign military financing for Indonesia.

Congress did originally approve \$400,000 for IMET in 2003, but Indonesia's participation was ultimately restricted to a more limited programme, known as Extended IMET. In May 2003, the Senate Foreign Relations Committee unanimously approved reinstating the ban on IMET for Indonesia.

Congress first voted to restrict IMET in response to the 1991 Santa Cruz massacre in East Timor. All military ties with Indonesia were suspended following TNI involvement

in the violent destruction of East Timor in 1999.

There is now mounting opposition to the administration's efforts to resume military co-operation. On 17 October, Congressman Lane Evans wrote to colleagues urging them to oppose the President's call to renew ties. The resumption of co-operation, without any conditions requiring the TNI to improve its human rights record 'essentially rewards the TNI for its own terrorism, including the past abuses in East Timor, the current assault on civilians in Aceh, and numerous other human rights violations,' he argued.

Ed McWilliams, a former State Department official who served as political counsellor in the US Embassy in Jakarta from 1996-1999 insisted that strengthening ties would do nothing to improve the TNI's human rights record: 'For over three decades, the US and Indonesian militaries were extremely close and we saw no move to reform. The Indonesian military's worst abuses took place when we were most engaged' [East Timor Action Network (ETAN) press release, 21 October 2003].

Activists and grassroots organisations in the US have played a vital role in raising Congressional awareness of the dangers of renewed ties. Patsy Spier, a survivor of the Freeport attack, which killed her husband Rick, has been a powerful advocate against re-engagement.

Activists are now pressing Congress to agree further conditions on the resumption of IMET in addition to those relating to the Freeport investigation. Previous conditions, including accountability for rights violations in East Timor, have never been met. They are also calling for an end to counter-terrorism training, which currently involves train-

*continued on back page*



*Scorpion tank in Aceh*

continued from page 23

ing, arming and funding, with an initial \$16 million, a special unit of the Indonesian police [see ETAN press release, 29 October 2003 and 'US Trains Indonesian Elite Unit To Fight Terrorism', *Far Eastern Economic Review*, 6 November 2003].

## UK Parliament powerless to stop British support for TNI

Unlike their US counterparts, members of parliament (MPs) in Britain have been able to do little to stop British support for the TNI. They appear powerless to prevent the Government ignoring the TNI's use of Hawk jets and Scorpion tanks in its bloody war in Aceh despite the fact that Indonesia is in flagrant breach of 'assurances' that it will not use British equipment for offensive or counter-insurgency purposes [see 'Hawk jets used in Aceh war', *TAPOL Bulletin* No 171/172, p. 24].

It has recently come to light that to accommodate Indonesia's requirements, the British Government, in August 2002, quietly agreed to a substantial relaxation of the Indonesian 'assurances' to allow the deployment of equipment to Aceh when previously that was not permitted. Apart from expressing their concern, there is little that MPs



can do about this or about the continuing sale to Indonesia of spare parts for the Hawks, Scorpions and other equipment.

The power of the arms industry lobby enables it to dictate policy to the extent that the Government is more concerned about maintaining the arms trade and its strategic partnership with the TNI than about human rights. An official report published in July disclosed that in 2002, the Government authorised a staggering 20-fold increase in the value of arms sales to Jakarta, from £2 million in 2000 to £41 million in 2002.

The equipment licensed for export in 2002 included potentially lethal aircraft cannons and components or associated equipment for aircraft cannons, armoured fighting vehicles, armoured personnel carriers, tanks, combat aircraft, and combat helicopters.

Despite these setbacks, UK campaigners will continue to press home the message that TNI is a source of terror and insecurity for Indonesia and that engagement with it on a business-as-usual basis is wholly misguided and dangerous.

### SUBSCRIPTION RATES

Annual rates (six issues)	UK	Europe & overseas (air only)
Individuals	£18.00	£18.00
Unwaged	£9.00	£ 9.00
Institutions	£25.00	£25.00

Girocheques and Eurocheques are welcome.  
TAPOL's Giro account No. 33 338 3281

Please **NO** Australian, Canadian or US personal cheques to UK

Australian subscribers may pay in A\$ to:

TAPOL (Australia)

PO Box 121, Clifton Hill, Vic 3068

Rates for Individuals A\$45, Unwaged A\$22, Institutions A\$80

Dutch subscribers may pay in Euros to

S.L. Liem

Binnenkadijk 267, 1018 ZG Amsterdam

Postbank 4637291

Rates for Individuals E 25, Unwaged E 12,50, Institutions E 36,50

Kindly state the payment is for TAPOL subscription

Canadian and US subscribers may pay in C\$ or US\$ to:

TAPOL (Canada)

PO Box 562, Station P, Toronto M5S 2T1

Rate for individuals \$35, Unwaged \$18, Institutions \$70

All other subscriptions and all correspondence to:  
TAPOL, 111 Northwood Road, Thornton Heath, Surrey CR7 8HW, UK  
Tel: +44 (0)20 8771 2904, Fax: +44 (0)20 8653 0322  
email: [tapol@gn.apc.org](mailto:tapol@gn.apc.org), website: <http://tapol.gn.apc.org>

**PLEASE NOTE: DONATIONS AND STANDING ORDERS  
ARE ALWAYS WELCOME**